IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1513/06

Satya Narain Agarwal **Versus** State & Anr.

DATE OF ORDER :: 20/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. A.K. Bajpai, for petitioner
Mr. Arun Sharma, Public Prosecutor

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With the consent of parties, the matter is decided finally at this stage.

Instant petition has been filed assailing order dated 28th July, 2006 whereby learned trial Judge rejected his application filed u/s.91 of the Code.

Petitioner is facing trial for offence u/ss.30, 32 & 33 of Rajasthan Forests Act read with Section 2 of Forests [Conservation] Act, 1980. It appears that after the matter was riped up for hearing, he came across certain documents, particularly, xerox copy of notification dated 10th March, 1973 and certain other certified copies which may show that land itself does not fall within reserve forest, but application filed by petitioner for taking such documents on record u/s.91 of the Code was rejected.

It is true that documents are supposed to be filed during the course of trial and matter has been riped up for hearing ordinarily not to be interfered with, but in the facts of instant case, the petitioner is facing trial for offence under the Forest Act and certain documents which he has referred in the application filed u/s.91 of the Code, prima facie appear to be related to the area in question which may throw some light in respect of offence which as alleged has been committed by him.

This court, therefore, considers that photostat copy of notification and certain other documents of which he has made reference in the application u/s.91 of the Code may be necessary for adjudication of trial, therefore, considers appropriate to take these documents on record and consider the same. Relevant documents are reproduced as under:

1. फोटो स्टेट प्रति अधिसुचना दिनांक 10 मार्च 1973 जिसके अन्तर्गत ग्राम सामोद की 1652.63 एकड़ भूमि वन क्षेत्र धोषित की गयी।
2. प्रमाणित प्रतिलिपि आदेश दिनांक 11-9-75, 20-10-76 एवं 29-12-76 जो जिलाधीश (भू-अर्जन) ने पारित किये।
3. प्रमाणित प्रतिलिपि कार्यवाही वास्ते बिठाये जाने लाइन्स।
4. प्रमाणित प्रति पर्चा खतौनी सिवाय चक।
5. प्रमाणित प्रति नजरी नक्शा असल शीट ग्राम सामोद, आमेर।
6. प्रमाणित प्रति नकल जमाबन्दी संवत 2061 से 2064 मय नक्शा।

Accordingly, the misc. petition stands partly allowed and the documents referred to supra in the application filed u/s.91 of the Code dated 26th May, 2006, be taken on record and trial Judge may proceed further with the matter in accordance with law.

[AJAY RASTOGI],J.